



## **BOARD OF POLICE COMMISSIONERS**

### **Minutes of the Regular Board of Police Commissioners Meeting Monday, January 9, 2003**

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, January 9, 2003, at 6:30 p.m., 13323 Fenkell @Littlefield, Detroit, MI 48227.

#### **ATTENDANCE**

##### **Board Members Present**

Megan P. Norris **(ABS)**  
Willie E. Hampton  
Nathan Head  
Edgar L. Vann, Jr.  
Arthur Blackwell, II

##### **Department Personnel Present**

Chief Jerry A. Oliver, Sr.  
DC Cara Best  
Cmdr. Alfred Gomez-Mesquita  
Sgt. James Stano  
Sgt. Debbie Jackson  
Sgt. Frances Lawson-Walker  
PO Wanda Jackson  
PO Sonja Burrell  
Atty. Nancy Ninowski

##### **Board Staff Present**

Pamoline J. McDonald, Exec. Director  
Denise R. Hooks, Atty./Supv. Investigator **(ABS)**  
Lori Waddles, Chief Investigator  
Ainsley Cromwell, Supervising Investigator  
Michelle McClain, Community Affairs Coordinator  
Anthony King, Senior Investigator  
E. Lynise Bryant-Weekes, Personnel Director

## **OTHERS PRESENT**

Lillie Morris  
Pastor N.A. Oswauya  
Roscoe Burton Jr.  
Carolyn Brizzue  
Phillip Craccholio  
Ron Scott  
Don Johnson  
Ruth Barton  
Ms. Walters  
Bertha Cleo Austin  
Vida Pickett  
Atty. John Goldpaugh

## **RECORDERS**

Jerome Adams

### **1. CALL TO ORDER**

**Vice Chairperson Hampton** called the regular meeting of the Detroit Board of Police Commissioners to order at 6:42 p.m. He also thanked Rev. Dr. W. R. Campbell for hosting this meeting here tonight. He also introduced Rev. David Murray, who is a police chaplain.

**Comm. Vann** read the duties and responsibilities of the Board of Police Commissioners.

**Chief Oliver** introduced Commander Alfred Gomez-Mesquita of the Twelfth Precinct.

### **2. APPROVAL OF MINUTES**

**MOTION:** Commissioner Head made the motion to approve the Minutes of Thursday, January 2, 2003.

**SECOND:** Commissioner Vann seconded the motion.

**VOTE:** All in attendance voted in the affirmative.

### **3. REPORT FROM THE CHAIR**

**Don Johnson** stated he is the President of the 12<sup>th</sup> Precinct Community Relations, welcomed everyone to the New Whitestone Baptist Church and he thanked Rev. Campbell for hosting the meeting. He introduced Ms. Austin and presented her with a certificate of recognition for all of the services, help and time she donates by making Detroit a better place to live in.

**Chief Oliver** presented Ms. Austin with the Spirit of Detroit Award on behalf of City Council.

**Vice Chairperson Hampton** read the following Resolution:

#### **RESOLUTION HONORING MRS. BERTHA CLEO AUSTIN**

**WHEREAS** Mrs. Bertha Cleo Austin has been a resident and community activist in the City of Detroit for 32 years; and

**WHEREAS** Mrs. Austin contributed time organizing and recruiting others to be a part of the Birwood Block Club. She was the captain for 5 years and the president for 8 years; and

**WHEREAS** Mrs. Austin is legally blind, however, she continues to be active part of the Birwood Block Club and dedicated to the community she serves; and

**WHEREAS** Mrs. Austin during the past twenty-five (25) years volunteered with the March of Dimes, the Diabetes Association and the Human Relations Club at the Twelfth Precinct; and

**WHEREAS** Mrs. Austin annually participates in the "Feed the Police Luncheon" at the Twelfth Precinct. She graciously donates funds, food and most importantly her time to make this event a huge success,

#### **NOW THEREFORE, BE IT**

**RESOLVED** That the Detroit Board of Police Commissioners, speaking for the citizens of the City of Detroit and the Detroit Police Department, acknowledges the generous spirit of Mrs. Austin. Her unselfishness and dedication to improving the quality of life for all

citizens in her community and throughout the City of Detroit merits our highest regards.

We thank and congratulate you, Mrs. Berth Cleo Austin.

#### **DETROIT BOARD OF POLICE COMMISSIONERS**

**/s/Megan P. Norris**  
Chairperson

**/s/Willie Hampton**  
Vice-Chairperson

**/s/Edgar L. Vann, Jr.**  
Commissioner

**/s/Arthur Blackwell II**  
Commissioner

**/s/Nathaniel Head**  
Commissioner

**MOTION:** Commissioner Head made the motion to adopt the Resolution.

**SECOND:** Commissioner Vann seconded the motion.

**VOTE:** All in attendance voted in the affirmative.

#### **4. SECRETARY REPORT – EXEC. DIR. MCDONALD**

##### **Suspension**

On January 9, 2003, **Police Officer Anthony Johnson**, badge 1663, assigned to the Ninth Precinct was suspended **without pay** by Chief Jerry A. Oliver, Sr.

On January 5, 2003, the Internal Affairs Section received information regarding an incident involving Officer Johnson, who was involved in a physical altercation with Ms. Joni Marie Gullas.

According to the information, on January 5, 2003, on-duty Officers Johnson, Rick Arslanian, badge 2879, and Joseph Fix, badge 4119, were working Scout 9-30, the Armed Robbery Detail, in plain clothes and in an unmarked scout car. The officers were investigating an occupied blue mini van parked in the rear of 16086 East Eight Mile, Royalty Foods, with the engine running. The business was closed. The officers approached the vehicle and identified themselves as police officers. Officer Arslanian asked the driver, later identified as Ms. Gullas, if everything was okay. She replied,

"Who in the fuck are you?" Officer Arslanian showed her his department badge and identification. Ms. Gullas stated that "I see them all day" and began yelling obscenities at the officers. Officer Arslanian then requested her drivers license, to which she refused stating "Fuck you, I'm not showing you anything." Ms. Gullas began rolling up the window and attempted to put the car in reverse. Officer Johnson reached into the vehicle to stop her. Officer Johnson's hand was pinned inside the vehicle door by her left knee, to which Officer Johnson struck Ms. Gullas with a closed fist to prevent her from placing the car in reverse. Officer Johnson pulled her from the vehicle and placed her right wrist into the handcuff while she struggled. He attempted to place her left wrist into the handcuff but she pulled her arm inside her coat sleeve. Officer Johnson produced a four-inch pocketknife and cut her jacket to free her wrist for handcuffing. In doing this, he severed the left ring finger at the first joint and cut the middle finger.

Based on the above circumstances, it is recommended that Officer Johnson be charged with, but not limited to the following violation of the Detroit Police Department Rules and Regulations:

**CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF GENERAL ORDER 72-17(R), SECTION K. SUBSECTION 65.**

**Exec. Dir.** McDonald stated a representative is here on behalf of Officer Johnson who would like to address the Board in regards to the suspension without pay.

**Atty. Goldpaugh** stated although the information read by Ms. McDonald that a serious accident occurred while Officer Johnson was attempting to handcuff an individual. Though I have not been provided with any information this person was resisting police that she knew were officers. No, I am not indicating that that would be the appropriate way to stop her from resisting, but that is not what happened here.

We have all discussed a number of times Article 9(F), and a suspension without pay that is being requested by the Chief at this time. I would just note that, as we all know, that suspensions without pay have to meet egregious circumstances and there must be circumstances that would comply with the Charter, the collective bargaining agreement and past practices. The Charter allows for such a suspension without pay, but I want to note to the Board that the Charter only allows suspensions without pay, and I am talking, for example, in Chapter 11, Section 7-1107, under Discipline, "the Chief of Police may discharge or indefinitely suspend any employee for a major offense. It then goes on to talk about an employee charged with a major offense. Under administrative hearings a member may be ordered suspended without pay as a result of a commander's action, which gives us the impression that some charges have been brought

against the particular officer. The Chief of Police - a member charged with a major offense may be ordered suspended without pay by the Chief of Police. It then goes on to say, under the Board of Police Commissioners, that prior to any of the administrative hearings, a member charged with a major offense may be ordered suspended without pay with concurrence of 4 out of the 5 members of the Board, as we are all aware of.

I reiterate that the word says "charge." There are no charges against Officer Johnson in this particular matter. Officer Johnson has cooperated and he has made all of the appropriate reports. At this point in time, he has now been working at the 9<sup>th</sup> Precinct on desk duty until today, pending further investigation into this matter. I would suggest that the request by Chief Oliver is premature because there are no charges brought against this particular officer. I would ask that you not concur in this, at this time.

**Comm. Vann** asked what do you consider egregious behavior?

**Atty. Goldpaugh** stated there could be a number of things. For example, an accident that has occurred in this situation, I would not suggest that this is egregious behavior.

**Comm. Vann** asked how do you purport this to be an accident?

**Atty. Goldpaugh** stated when you look at what I have been provided with, it indicates that the individual, Officer Johnson, while he was attempting to handcuff the individual during a struggle, who was hiding her hand, could have been reaching for a weapon, but who knows. The reports that have been read said he was trying to cut off the sleeve, there is no showing that he intended to harm her that is how it is an accident.

**Comm. Vann** asked cut off the sleeve with what?

**Atty. Goldpaugh** stated with a knife.

**Comm. Vann** asked was it a knife issued by the Department or a privately owned weapon?

**Atty. Goldpaugh** stated I can't tell you that because my understanding is that, no knives are issued to police officers.

**Comm. Vann** asked so could we assume that this knife was not issued by the DPD since the DPD does not issue knives?

**Atty. Goldpaugh** stated that's true.

**Comm. Vann** stated but he had a knife on him, that he used to cut the finger of a woman off.

**Atty. Goldpaugh** stated I disagree with you, he used the knife to cut the coat sleeve off and an accident occurred.

**Comm. Vann** stated this is the same officer that shot Cora Jones...

**Exec. Dir. McDonald** stated I'm sorry Rev. Vann you can't consider facts other than those presented in the suspension without pay.

**Atty. Goldpaugh** stated that shooting was found justified by this panel or its predecessors.

**Comm. Vann** stated the result of this particular incident, which has the community outraged, which is a national news story that I seen on CNN, you don't believe that this is egregious behavior.

**Atty. Goldpaugh** stated no, I do not. It was not Officer Johnson who made this a national news media circus. He was trying to act as a police officer, who was attempting to arrest an individual who was not cooperating. The accident occurred, that is what occurred. This was not an intentional act to harm this person. At this point in time, there are no charges for this particular officer.

**Comm. Vann** asked was she under suspicion for anything? How come the other officers were not engaged in the arrest?

**Atty. Goldpaugh** stated I cannot address those issues, purview to the investigation. I have learned that the other officers were investigating an armed robbery. The young lady was the one who was using expletives and was refusing to cooperate with the police. They have every right to go up and investigate a suspicious person. She had attempted to drive away with Officer Johnson's arm was in the car when the officer asked her for identification. That is when the whole altercation started.

**Comm. Vann** stated that the woman said she thought she was being carjacked.

**Atty. Goldpaugh** stated she also told EMS that she knew that they were the police during the whole time.

**Comm. Vann** asked do you agree that there is no Department issued knife?

**Atty. Goldpaugh** stated as far as I know, I don't think anyone issues a knife to an officer.

**Comm. Vann** asked and you would not characterize a weapon that is not issued by the Department to a police officer, if they use it to sever off someone's finger is being egregious behavior?

**Atty. Goldpaugh** stated because he did not use it to sever off her finger.

**Comm. Vann** stated that is the result.

**Atty. Goldpaugh** stated it was an accident, but it may have been the result.

**Comm. Vann** stated we can't prove the intent, but we can talk about the result.

**Atty. Goldpaugh** stated you also have not charged this officer with anything, neither the Department, nor the prosecutor and that is what you must reach to see what this officer has been charged with you.

**Comm. Vann** the charge at this point is egregious behavior, this goes against the ethics of the police department.

**Vice Chairperson Hampton** asked Mr. Goldpaugh are you saying that she was allegedly resisting and he assumed that she had a weapon and then he surgically removes a sleeve that has an arm in it?

**Atty. Goldpaugh** stated I could only tell you what Ms. McDonald has read into the record. I have not been privilege to any of the reports. I learned this matter by reading the newspaper and then when Ms. McDonald forward the document to me today. The document indicated that during the arrest he got one cuff on her and when they were trying to get her out of the car she hid her hand, he then drew a knife out to cut of the sleeve to get the hand out and that is when the accident occurred.

**Vice Chairperson Hampton** stated an accident?

**Atty. Goldpaugh** stated what I mean is that he did not intentionally cut it off.

**Comm. Blackwell, II** asked Chief Oliver when you apprehend somebody that is resisting arrest that has an oversized coat on, would you normally remove it? Is that proper procedure?

**Atty. Goldpaugh** stated I don't think they would remove the coat.

**Comm. Blackwell, II** stated I am asking is that proper procedure?

**Atty. Goldpaugh** stated I don't think that would be the proper procedure under these circumstances. You would not remove the coat, you would pat them down



very quickly once they have been handcuffed. But, a female would have to come to do the actual search.

**Comm. Blackwell, II** asked is there anything that talks about removing a sleeve with a knife?

**Atty. Goldpaugh** stated I am sure there isn't.

**Comm. Blackwell, II** stated it is not so much that these officers were trying to do their job. The issue is someone improvised by pulling a knife out is not a police issue. We have all been cut before, severing the finger is not like cutting a tomato. It is a very severe striking movement. There was a certain amount of aggression that allowed that knife, it must have been real sharp to go through a fur and a finger with a bone in it. He asked is there any instance where an officer would carry a knife for anything?

**Chief Oliver** stated there are no policies, procedures, practices or training that I am aware of within the Detroit Police Department that would support the behavior of this officer under these circumstances.

**Comm. Blackwell, II** stated one of the issues that we have looked at while revamping the Manual has been the whole risk management side of it. The City has paid out 130 million dollars for wrongful death, wrongful action, brutality and etc. There is no way to restore this woman's finger. The issue is how do we as a Police Commission through this Manual and the Chief do something so something like that won't happen again. He asked were these officers in plain clothes?

**Atty. Goldpaugh** stated yes.

**Comm. Blackwell, II** stated there is a very serious issue where people are stopping citizens and saying that they are police officers and they are not. I think that normally...I don't know if that was part of their responsibility, or if they saw something or someone committing a crime or driving irregularities. I am sure that they were doing something for them to notice some behavior.

**Atty. Goldpaugh** stated what I understand from the brief information that I have been provided, it is my understanding that all three officers were all part of the Armed Robbery Unit or were dealing with an armed robbery and on a stake out. When this woman was parked in a suspicious manner, they went up to her and investigated what they were supposed to be investigating. That is what I understand, but again I have not been privileged to anything more than the document that Ms. McDonald read.

**Comm. Blackwell, II** stated once again Chief, it gets back to the whole issue of training. I am sure people in the Armed Robbery Unit are conditioned in a way to deal with a little more serious issues when they are confronted with someone that is armed and dangerous, so are they prepared to deal with very serious circumstances. I am not saying that they thought this woman was armed, because if I thought someone had a gun up their sleeve, I don't know if I would pull my knife out.

**Atty. Goldpaugh** stated they were not part of the Armed Robbery Unit.

**Comm. Blackwell, II** stated I would have pulled my pistol out instead. The point is, what happened was a real strong reaction to something that could be contained a little easier. Chief, I think one of the issues that we said we were going to deal with in this manual is non-lethal methods of apprehending people. I am sure for the police officers and the family for this individual it is a horrifying event. I am sure that the intent was not there, but the damage has been done and the fact from what I hear from the Chief that there is no procedure that he could identify that this officer followed. If we don't act in some way to deal with something that I feel is very serious of breach of responsibility in terms of procedure.

I understand your point that he has not been charge, but I think that we have tried to establish and we have said to the Detroit Police Department is that we want to raise the bar and let officers know we raised the bar. We are saying that if someone is not necessarily going through an entire process that it would be very difficult to put a person back on the street with psychological problems to defend citizens of this City knowing that that issue is going on and it has not been resolved. I think that the manual is very clear in stating what the instructions are and I think that right now what I am hearing is your answer, what you can't find anything in the procedures or manual have any wiggle room for an activity like this.

**Atty. Goldpaugh** stated I understand your concerns and I am not here to ask you to put him back on the streets, but I am here to ask you not to concur in the Chief's request that he be suspended without pay because the Charter requires that the officer has to be charged with something, but there are no charges here. I understand what has occurred in my limited ability and the information that I have been provided with. I also understand that as we stand here there have been no criminal charges brought against this individual.

**Comm. Blackwell, II** asked for example, if an officer were driving drunk and hit somebody and killed them, even though before they were not charged, you don't think they should be suspended without pay?

**Atty. Goldpaugh** stated you mean charged criminally, no, I do not...

**Comm. Blackwell, II** stated you do not have to explain.

**Atty. Goldpaugh** stated until that individual has been charged, so that he/she must know what they need to defend against. The Charter itself called for that because the Charter gives to that individual who is accused with something.

**Comm. Blackwell, II** stated everyone is into what the Charter and Constitution says. If we take the United States Constitution before the Bill of Rights and Amendments, we will all be messed up. What I am saying is that what the Charter says does not really mean nothing to me, because that does not mean that the Charter is perfect. It means that the Charter is a work in progress.

**Atty. Goldpaugh** stated the Commission and this Department could only act under the directions of the Charter because the Charter is what gives you power to concur with the Chief's decision.

**Comm. Blackwell, II** stated it gives us the power, but it also has to be specific on what it prevents us from doing. I am not sure that the Charter prevents us from doing what we are doing.

**Atty. Goldpaugh** stated the Charter says the member has to be charged with something before you could vote on anything, but if he is not charged, then there is nothing for you to vote on.

**Nancy Ninowski** stated through our past discussions we know that the focus of a suspension without pay hearing is the conduct of the officer, not whether the officer has been charged departmentally, not whether the officer has been charged criminally, but the conduct of the officers. Past arbitration decisions that we have gone over support that. There is a more recent arbitration decision that came out within the last few days that has set the standard for us for suspensions without pay hearings and that case is called **Poullard** and I delivered a copy to your office this afternoon.

In **Poullard**, the arbitrator ruled that not only is the conduct of the officer important, but the damage that has been done to the Department's reputation and the public's confidence in the Department is important. Along those lines in this type of case, it is very important that the facts be analyzed. Dir. McDonald has read the facts to you and I would focus in and if you don't mind, I would jump ahead on the facts and I will get to the part where the officers are approaching the van. We have one officer approaching the driver's side of the van and two officers approaching the passenger side of the van. The officer on the driver side identifies himself as a Detroit police officer and asks the occupant of the van if she is okay. The officer notes in his reports that he smells the odor of intoxicants at this point. The driver of the van becomes belligerent and loud and she is yelling obscenities at the officer.

Officer Johnson comes over to the driver side of the van, he also notes in his police report that he smells the odor of intoxicants about the occupant in the vehicle. The occupant of the vehicle at that point places the car/mini van in drive and begins to reverse. Officer Johnson then places his hand in the vehicle in attempt to stop the vehicle.

In doing so, the occupant/driver pins the officer's hand against the door. The officer's response is to punch her in the face. After which, he allegedly pulls her from the vehicle by her hair and down onto the ground, they are struggling. He then cuffs her right hand. She puts her left hand underneath her body, then Officer Johnson attempts to pull that hand out in an attempt to handcuff it, she then pulls her hand up into her sleeve. Officer Johnson then produces a pocket knife and precedes to cut the sleeve of the coat off and in doing so he cuts off the finger up to the first knuckle of the ring finger. The Department's position is that this use of force in these circumstances which include pulling out the pocketknife is unreasonable. Not only is it unreasonable, applying the arbitrator's standard, the damage that it has done to the Department's reputation and the confidence the citizens should have in this Department is seriously damaged. Therefore, the Department would respectfully request that you uphold the Chief's decision to suspend the duty status of Officer Johnson without pay.

**Comm. Vann** stated that is the point I was trying to make earlier that an overwhelming number of police officers are hardworking men and women who do their job so well, but there is a community side to this that we cannot ignore. The Department is under investigation by the Department of Justice for these various kinds of acts that help to speak to the community confidence in the police department itself. I can't speak for anyone's behavior on that particular night, but I can say look at the eventual result and see that with the result that it does help to destroy the confidence that all of the police officers seek to engender within the community by their work everyday. I am very happy to hear about this arbitration decision and I look forward to looking at it more closely.

**Atty. Ninowski** stated we were quite pleased as well, given that we are here to provide a public service and that is just as important.

**Atty. Goldpaugh** stated I have to totally disagree with Ms. Ninowski's claim that the **Poullard** decision sets a standard for this Board to review the facts and circumstances with respect to what was presented to you today. In the **Poullard** decision on page 2, "The undersigned is to resolve by this decision only the issue of the suspension without pay of the officer pending final resolution of the Department charges. The grievance invokes labor contract article 6F and any others that may apply. Article 9F also is a key contract clause at issue."

It should be noted that the **Poullard** decision was a grievance that was filed after Officer Poullard pled no contest to a negligent homicide charge a misdemeanor

as well as a misdemeanor that he was operating under the influence of alcohol. Originally, he had been suspended for the felonies, that were not contested. After the suspension, the basis for the suspension of the felony warrants had been dismissed and it was requested that he be reinstated to payroll. That was the only issue that was addressed, it was not a blanket arbitration decision that says we don't look at a lack of charges against an officer depriving him of his livelihood.

Ms. Ninowski failed to note that there was another arbitration decision and that was in the matter of Terrance Watson. Terrance Watson was acquitted of an accident in a criminal charge. He was acquitted and yet he had been suspended without pay based on the felony warrant that this Board concurred with the Chief's request to allow that suspension remain in effect, though there was nothing in effect. The arbitrator in that case, Arbitrator Brown talked about the fact that Article 9F...and he talked about **Grover**. We have all talked about that before and there is an issue here that still must be addressed and that is 1). There are no charges against the officer at this time, 2). And there is no showing that he could not continue in some capacity because that is what he had exactly been doing before this unfortunate accident. I would ask that you do not concur at this time with this request.

**Comm. Blackwell, II** asked are you citing the Charter or the Labor contract?

**Atty. Goldpaugh** asked with respect to?

**Comm. Blackwell, II** stated with respect to the issue of not being able to suspend without a charge.

**Atty. Goldpaugh** stated both.

**Comm. Blackwell, II** stated okay.

**Atty. Goldpaugh** stated because....

**Comm. Blackwell, II** asked if it is both, does that mean that both would have to be violated in order to concur with one or the other? What does it mean both?

**Atty. Goldpaugh** stated I don't understand the question?

**Comm. Blackwell, II** asked if the language was not in the Charter would the contract be sufficient or would the language in the contract without the Charter, would that be sufficient?

**Atty. Goldpaugh** stated the contract by its very existence and by certain portions adopts by reference, the Charter, so it is all one big happy family.

**Comm. Blackwell, II** asked if the Charter changed would the contract change?

**Atty. Goldpaugh** stated that I can't answer that because it is a labor question.

**Comm. Blackwell, II** stated you answered one, because you said by virtue of the fact that it is in the Charter that adopts the labor contract, but by virtue of the fact it is not in the Charter.

**Atty. Goldpaugh** stated I can't answer your question...

**Comm. Blackwell, II** stated let me explain what I am saying...

**Atty. Goldpaugh** stated I can't tell you if it would change or if there has to be a revision.

**Comm. Blackwell, II** stated let me tell you why it would change, you can't tie something to a log that does not exist. Right?

**Atty. Goldpaugh** stated I agree with that.

**Comm. Blackwell, II** stated we are appointed by the Mayor and supported by the Council. At some point maybe it is important to go to the people and ask the people do you think the city should have the right to suspend an officer in the event of what they consider to be egregious behavior. Now, if you put that before the people in the City of Detroit, they may have a different view. Rather than having second guesses and strategic gamesmanship, I mean this is a real serious issue. If you are going to have control of the police department, should the commander and the Chief have the ability in issues like this to suspend without pay, concurring with the Board of Police Commissioners even contravening it or not? I ask that question because when that question gets answered then maybe that compels us as a policy making body to say maybe we need to go to the public to weigh into these issues because ultimately we all work for the citizens.

**Atty. Goldpaugh** stated I don't disagree.

**Comm. Blackwell, II** stated the Chief needs to have a clear set of instructions on what everything means, so that we could get out of these gray areas. We should also look into amending the Charter.

**Atty. Goldpaugh** stated if that changed then we still have the language under Article 9 that says loss of pay resulting from disciplinary proceedings, less than a trial board would not be implemented.

**Comm. Blackwell, II** asked is it contractual?

**Atty. Goldpaugh** stated yes, it is contractual. There can't be a Trial Board unless charges have been brought against a particular officer.

**Comm. Blackwell, II** stated that is the language in the contract that exists, that is supported by the Charter. A lot of the contract language comports to what the Charter says you can and cannot do. In the absence of that, I believe that a contract has a term of a period of time.

**Atty. Goldpaugh** stated that is what we are negotiating about right now.

**Comm. Blackwell, II** stated as an evolutionary process we see that there is light at the end of the tunnel, but right now you are in a foxhole. As it relates to where we need to go as a community, we need to be very clear on what we can or cannot do. You are doing a great job and we are trying to do our job. We are really not getting where we need to and that is building community confidence.

**Atty. Goldpaugh** stated that may or may not be true. I believe at least today, with respect to Officer Johnson, it is quite clear because both the contract and the collective bargaining requires certain things.

**Vice Chairperson Hampton** asked are you saying that the conduct of Officer Johnson was appropriate, the Department's reputation is not tarnished and that the public's confidence is not an issue?

**Atty. Goldpaugh** stated I don't disagree with a lot of things that you have said Commissioner, but that is not why we are here today, that's why I disagreed with Ms. Ninowski when she said the **Poullard** decision tells us that. The **Poullard** decision addressed a very limited issue and that limited issue was whether or not Poullard's suspension without pay should remain in effect on the theory that he was no longer charged with felonies that was what they looked at. All I am saying today is that Officer Johnson should not be suspended without pay.

**Vice Chairperson Hampton** asked based on his conduct?

**Atty. Goldpaugh** stated based on what you have before you. You have no charges against him and nothing out of the ordinary.

**Vice Chairperson Hampton** stated a lady is missing a finger.

**Atty. Goldpaugh** stated I understand that and it was a tragic accident and that is what they said with respect to Terrance Watson after he had been acquitted.

**Vice Chairperson Hampton** asked could the City be sued for tragic accidents?

**Atty. Goldpaugh** stated all the time.

**Atty. Ninowski** stated in the report that Dir. McDonald read and in the notice of suspension that Officer Johnson received today, he has been charged initially with Conduct Unbecoming an Officer.

Unless contravened by this Commission, the above suspension without pay will stand.

**There were no contraventions to the above suspension without pay.**

#### **CITIZEN COMPLAINTS RECEIVED**

	<b><u>2003</u></b>		<b><u>2002</u></b>
During the past week:	27	During the past week:	22
Year to Date:	27	Year to Date:	22

**Vice Chairperson Hampton** stated that the Chief had to leave early because he had a prior commitment, but DC Cara Best will sit in for him.

#### **5. CHIEF'S REPORT**

### **DETROIT POLICE DEPARTMENT MIND'N OUR BUSINESS**

---

Board of Police Commissioners

*It is the Detroit Police Department's mission to provide a safe environment through effective, efficient and community based service. Therefore, the following enforcement actions were conducted during the week of January 1<sup>st</sup>-7<sup>th</sup>, 2003:*

#### **NARCOTIC BUREAU ENFORCEMENT ACTIONS**

The Conspiracy Intelligence, Gang Enforcement, South-East, and North-West Sections conducted seven enforcement actions that resulted in (7) felony arrests, (5) misdemeanor arrests and (5) juveniles detained. These enforcement actions reflected in the confiscation of 142 grams of cocaine, 30 grams of heroin, and 25.5 grams of marijuana with a street value of \$110,902.00. Twenty-five thousand six hundred and eighty-eight (\$25,688.00) dollars in U.S. currency, and (4) knives and (1) handgun were confiscated.



## **NINTH PRECINCT**

On January 4, 2002, officers of the 9th Precinct observed a green Dodge Neon disregard the stop sign at Parkgrove and Chalmers. The officers entered the vehicle information into the L.I.E.N computer system. As a result the vehicle was involved in Robbery Armed, citizen in Grosse Pointe Woods. The officers stopped the vehicle at the intersection of Laurel and Houston Whittier and the occupants of vehicle were arrested. The vehicle was impounded and the subjects were conveyed to the Ninth Precinct.

## **SIXTH PRECINCT/COMMERCIAL AUTO THEFT UNIT (C.A.T.U.)**

On January 4, 2003, officers from the 6<sup>th</sup> Precinct responded to a disturbance in the 14500 block of Asbury Park. While at the location officers observed several suspicious vehicles. The officers notified C.A.T.U. The C.A.T.U. set up surveillance in the area. As a result, two subjects were arrested, two juveniles detained and four stolen vehicles were recovered.

**Chief of Police Jerry A. Oliver, Sr.**

## **6. PRESENTATION – 12<sup>TH</sup> PRECINCT**

**Sgt. James Stano** introduced the 12<sup>th</sup> Precinct staff.

**Don Johnson** stated I would like to make a presentation regarding cyber crime on the Internet. The DPD works with the Wayne County Sheriff and the State handling this matter. He introduced Vida Pickett.

**Vida Pickett** stated I have an educational program called the “Dangers of the Internet Educational Program.” I visit different schools and speak with parents, children and the community regarding cyber crimes. On January 16, 2003, I have a program at Beaubien Middle School on Wyoming from 5 - 6 p.m on. I also have an officer named Sgt. Golish from the Wayne County Sheriff Department, who will be assisting me in doing the presentation. She asked everyone to come out and support her program.

## **7. OTHER BUSINESS**

**Comm. Vann** stated we are getting a lot of reports around Fenkell and Puritan regarding increased gang activity in the schools. He asked what do we have in place that helps to address what appears to be a rising tide of gang activity in our City?

**DC Cara Best** stated the Department still has Gang Squad and that unit has always been a very effective tool in the City of Detroit. Each precinct has school officers and these officers concentrate mainly around high schools because that is where most of the problems are, such as graffiti. The Fourth Precinct asks that if you see gang graffiti to not take it down, wait until they take a picture of it and identify who is responsible for it. If you would like for them to come and make a presentation, we could arrange that for your next meeting.

**Comm. Vann** stated maybe they could give us some reports also. Graffiti is also on the rise and that also needs to be addressed.

**Cmdr. Gomez-Mesquita** stated graffiti was a huge problem when I worked in the Fourth Precinct. He asked the citizens if they see graffiti in the community, to call the Precinct and then we will get in touch Gang Squad and they will take pictures of it and then have it removed. He also stated they are school plans available. Sgt. Stano will be sent to a school...

**Sgt. James Stano** stated there are about six sergeants from the DPD that will be attending a seminar given by Community Oriented Police Services and they will be instructing us on how to deal with school issues and activities.

**Don Johnson** stated we have a Gang Squad Officer who comes to our meetings every first Thursday of the month and to be proactive, any children we see that are not in school during school hours, we call the Gang Squad officer and she picks them up and takes them to the precinct to have their parents pick them up. It is effective tool because it keeps them out of trouble. He asked everyone to go out and join their precinct community relations.

**Lt. McKissic** stated if anyone has any gang related problems in your community you could give me your phone number after the meeting and I will have someone from Gang Squad or through training efforts educate in a preventive effort.

**Vice Chairperson Hampton** stated thank you very kindly. He stated I would like to address an issue to the Commander of the 12<sup>th</sup> Precinct. I am a parishioner at the church down the street and I noticed there are a lot of accidents and people driving at excessive speeds. I was wondering how we could address this problem.

**Cmdr. Gomez-Mesquita** stated for today and the next couple of days, Traffic Enforcement will be in the area. I would suggest that you call my office at 596-1210 or Sgt. Stano at 596-1222 and we will have someone address that right away.

**Vice Chairperson Hampton** stated thank you.

**DC Cara Best** stated you could also call DOT to check the traffic in the neighborhood and they will come out and do a survey to see if the traffic lights need to be changed or added due to the change in driving patterns.

**Vice Chairperson Hampton** stated thank you much.

## **8. ORAL COMMUNICATIONS FROM THE AUDIENCE**

**Bill Wellborn** stated I am the 2<sup>nd</sup> Vice President of the 12<sup>th</sup> Precinct Community Relations. He thanked Sgt. Stano for doing an excellent job.

**Reggie Crawford** stated I am a police officer for 25 years and a community activist. He voiced his complaint in regards to tax payers paying for gas and mileage for city employees that are allowed to drive city owned vehicles out of the city. The Chief issued teletype #02-0155 on February 21, 2002 that stated that city vehicles should not leave outside of the city's jurisdiction.

**Comm. Vann** asked is there some information that we could receive regarding city vehicles?

**DC Cara Best** stated I could make some arrangements.

**Phillip Craccholio** stated I am from the Coalition Against Police Brutality. The CAPB is not anti-police, we are greatly supportive of the police department. He voiced his concerns in regards to an article about crime statistics.

**Don Johnson** stated we need to have monitors in Detroit to show how fast people are going.

**Lillie Morris** stated in November 11/01 her granddaughter wrote a note to her mother stating that she was raped by her stepfather, Sgt. Benjamin Wagner and he was suspended from the police department, but he has now been reinstated. He was acquitted at the trial and Internal Affairs did not do anything. What can we do about putting him in prison?

**Carolyn Brizzure** thanked the Twelfth Precinct for doing a good job. She stated in order to combat drugs and crime, we should start with young kids. If we start early enough, maybe tomorrow's war against crime will be a drop in the bucket.

**Ruth Barton** stated she is the President of the Detroit Police City-Wide Community Counsel. She asked everyone to get involved in community relations groups.

**Ms. Walters** voiced her concern in regards to Ms. Morris and her injustice.

**Roscoe Burton** commended the Twelfth Precinct staff for doing a good job and increasing police in the community.

**Dir. Bryant-Weekes** stated the Mayor has given us permission to hire up to our budgeted strength. The Recruiting Unit will be holding two recruiting fairs. A fair will be held in February at Greater Immanuel Institutional Church of God in Christ on the corner of Schaefer and Seven Mile. The second fair will be held in the summer, hopefully at Cobo Hall. We are currently operating at a deficit of 266 officers. Today, I received a memo from Recruiting stating that we have 866 officers who are eligible for retirement as of July. She asked the community for their assistance in recruiting people that would make good candidates.

**Comm. Vann** asked is there any news regarding promotions?

**Dir. Bryant-Weekes** stated there is no new news at this time, but we will be meeting with the Chief of Police and the President of the LSA tomorrow to discuss promotions.

**Ron Scott** stated I think the figures that were just given (by the Personnel Director) reflect some of our major problems that we have.

## **9. ANNOUNCEMENT OF NEXT MEETING**

Thursday, January 16, 2003 @ 3:00 p.m.  
Police Headquarters  
1300 Beaubien, Rm. 328-A  
Detroit, MI 48226

## **10. ADJOURNMENT**

Meeting was adjourned at 8:25 p.m.

Respectfully Submitted,

**PAMOLINE J. MCDONALD**  
Executive Director  
Board of Police Commissioners

**PJM/kdw**